

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RACHELLE B. HERDMAN )  
Serial No.: 09/798,276 ) Attorneys' Ref. P213892  
Filing Date: 03/02/2001 ) Art Unit: 2171  
Title: SYSTEMS AND METHODS FOR )  
STORING AND DISTRIBUTING )  
PERSONALIZED INFORMATION )  
OVER A COMMUNICATIONS )  
SYSTEM )

JC971 U.S. PTO  
09/934955  
08/21/01

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
U.S. Patent & Trademark Office  
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §1.56, the Applicant respectfully submits this Information Disclosure Statement to call to the attention of the Examiner the references listed on the attached Form PTO/SB/08B for consideration in the prosecution of the above-referenced application for U.S. patent. Copies of these references are attached hereto for the Examiner's convenience.

**REMARKS**

U.S. Patent No. 6,029,141 to Bezos et al. discloses a software system that facilitates the sale of goods or services over the internet. In particular, this system defines a business method that allows the operator of the web site to sell product on behalf of third party associates in return for a commission.

The Applicant is aware of several web sites currently published on the internet.

The wholefoodsmarket.com web site contains a Health Info portion that allows users to access information through a computerized table of contents. The Health Information page links to the "WholeHealthMD.com" site

<http://www.wholefoodsmarket.com/healthinfo>. Once there, the 'Healing Centers' and 'Healing Kitchen' sections give information on single health conditions only. The 'personalized' 'MyWholehealth' section, chosen through a button at the bottom of the page, allows selection of only single articles of personal interest.

The healthdirector.com web site contains a health profile portion that allows users to access information through a computerized table of contents. This site contains a list of conditions that may be checked as appropriate for an individual. Based on the conditions checked, this site generates a list of suggested dietary supplements, as well as a list of supplements that should be avoided. Any of these could be taken for the particular conditions selected, they are not prioritized; no indication is given of which are most relevant to the conditions checked. Only a portion of this web site has been printed out and enclosed herewith as a sample.

The cookinglight.com system is a combination of a conventional Table of Contents and conventional Indexes in a computer database that allows the use of simple Boolean searching techniques for combining search terms. For example, one could use the table of contents to focus on styles of cooking (e.g., kid-friendly, vegetarian) and/or use the indexes to select recipes by ingredients (e.g., apples, beans) or characteristics (e.g., low fat, low sodium). The cookinglight.com system does not indicate whether the results are weighted based on personal or health criteria beyond simply including desired ingredients or excluding undesired ingredients.

The wholefoodsmarket.com, WholeHealthMD.com, cookinglight.com, and healthdirector.com web sites allow the user to access information relating to health care and in particular to the affects of food and supplements on health. These references are submitted by way of background only and this submission should not constitute an admission that these are prior art. To the contrary, the Applicant does not know when these web sites were published in a manner that would constitute prior art under 35

U.S.C. Section 102 and in fact believes that these references do not qualify as prior art. These references are thus being discussed as indicative of the state of the art at the time this Information Disclosure Statement is being submitted. In this context, the Applicant believes that these references support the Applicant's contention that the claimed technology is patentable.

### CONCLUSION

The Applicant respectfully submits that the attached references, taken alone or in combination, neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to the pending application is respectfully requested. If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's attorney can normally be reached at the telephone number below.

Signed at Bellingham, County of Whatcom, State of Washington this 21<sup>st</sup> day of August, 2001.

Respectfully submitted,

RACHELLE B. HERDMAN

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#### CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on date shown below.

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Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**Complete if Known**

## Application Number

**Filing Date**

Filing Date	8/21/2001
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First Named Inventor	RACHELLE B. HERDMAN
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**Group Art Unit**

**Examiner Name**

Attorney Docket Number	P213892
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Sheet 1 of 2

09/934955

08/21/01

[illegible][illegible]

Date	
Considered	

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	
		Filing Date	
		First Named Inventor	RACHELLE B. HERDMAN
		Group Art Unit	
		Examiner Name	
Sheet 2 of 2	Attorney Docket Number	P213892	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Copy of pages from wholefoodsmarket.com web site (16 pages)	
		Copy of pages from healthdirector.com web site (11 pages)	
		Copy of pages from cookinglight.com web site (6 pages)	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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